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STATE OF CALIFORNIA
WATER RESOURCES CONTROL BOARD
DIVISION OF DRINKING WATER

TO: United States Forest Service – French Gulch Water System
Water System No. 1502686

Attn: Peter Landucci, Environmental Engineer
United States Forest Service (USFS)
1839 S. Newcomb Street
Porterville, CA 93257

CERTIFIED MAIL

**CITATION FOR VIOLATION OF CALIFORNIA CODE OF REGULATIONS,
TITLE 22, SECTION 64426.1(b)(2) - WATER SYSTEM NO. 1502686**

November 2015 and December 2015

C I T A T I O N N O. 03-19-16C-009

Issued on February 11, 2016

STATEMENT OF FACTS

United States Forest Service (USFS) – French Gulch Water System (hereinafter Water System) is classified as a transient non-community water system and mainly serves a transient population of approximately 46 persons through five service connections. The Water System has one active source of supply, Well 01 (Primary Station Code: 1502686-001), a 40,000-gallon storage tank (Tank No. 1), a 20,000-gallon tank (Tank No. 2), and distribution system. No treatment is provided to the well water. The Water System operates under the authority of Permit No. 03-19-13P-018, issued on August 28, 2013, by the California Department of Public Health. Effective July 1,

1 2014, regulatory jurisdiction of the Water System was transferred to the State Water
2 Resources Control Board (hereinafter "State Board"), Division of Drinking Water.

3 Section 116650 of the California Health and Safety Code authorizes the issuance of a
4 citation to a public water system for violation of the California Safe Drinking Water
5 Act (Health and Safety Code, Division 104, Part 12, Chapter 4, commencing with
6 Section 116270) (hereinafter "California SDWA") or any regulation, standard, permit
7 or order issued or adopted thereunder.
8

9 The State Board, acting by and through its Division of Drinking Water and the Deputy
10 Director for the Division of Drinking Water hereby issues a citation to the USFS –
11 French Gulch Water System (mailing address: 1839 S. Newcomb Street, Porterville,
12 CA 93257) for violation of the California Code of Regulations (CCR), Title 22,
13 Section 64426, subsection (b)(2).
14

- 15 • The Water System is required to collect one (1) routine bacteriological sample
16 per month.
- 17 • One (1) routine bacteriological quality sample collected on November 5, 2015,
18 from the distribution system, tested positive for total coliform bacteria.
- 19 • Three (3) repeat samples collected on November 10, 2015, from the
20 distribution system tested negative for total coliform bacteria.
- 21 • One (1) repeat sample collected on November 10, 2015, from Well 01, for
22 compliance with the Ground Water Rule, as well as the total coliform rule,
23 tested positive for total coliform bacteria.
- 24 • **The Water System failed to collect the repeat samples within 24 hours of**
25 **notification of the routine total coliform positive sample collected on**
26 **November 5, 2015 [Section 64424(a), *Authorities*].**
27

- Three (3) additional bacteriological quality samples collected on November 13, 2015, from the distribution system, and one (1) bacteriological quality sample from the well, tested negative for total coliform bacteria. It is unclear if any emergency disinfection and/or flushing took place at that time.
- **USFS – French Gulch Water System failed the total coliform maximum contaminant level (MCL) for November 2015 [Section 64426.1(b)(2), *Authorities*].**
- None of the bacteriological quality samples collected in November 2015, from the distribution system or the system well, tested positive for *E.coli* bacteria.
- On November 11, 2015, Peter Landucci, Environmental Engineer with the Water System, notified the State Board that the Water System failed the total coliform MCL for November 2015.
- All five (5) routine bacteriological quality samples collected on December 3, 2015, tested positive for total coliform bacteria.
- **USFS – French Gulch Water System failed the total coliform maximum contaminant level (MCL) for December 2015 [Section 64426.1(b)(2), *Authorities*].**
- On December 4, 2015, Mr. Landucci informed the State Board, by telephone, of the total coliform MCL failure for December 2015.
- On December 7, 2015, Mr. Landucci informed the State Board staff that the well pump had been replaced in late November, after the November 2015 MCL failure, and that it was unclear if any disinfection or flushing had taken place after replacement of the well pump.
- At that time, the State Board directed the Water System to disinfect and flush Well 01, storage tanks and the distribution system, and to collect five (5) investigative samples from the distribution system, one (1) sample from the storage tank, and one (1) sample from Well 01.

- 1 • On December 9, 2015, Well 01 was inspected, disinfected, and flushed.
- 2 • On December 9, 2015, public notice and *Certification of Completion of*
- 3 *Notification* forms were emailed to the Water System, for the November and
- 4 December 2015 total coliform MCL failures.
- 5 • On December 14, 2015, the State Board received signed and dated copies of
- 6 the public notice and the *Certification of Completion of Public Notification*
- 7 from the Water System. According to these documents, public notification was
- 8 completed on December 10, 2015.
- 9 • On December 9, 2015, an investigation report template was emailed to the
- 10 Water System, for the November and December 2015 total coliform MCL
- 11 failures.
- 12 • On December 11, 2015, the State Board received a completed investigation
- 13 report, in response to the November and December 2015 total coliform MCL
- 14 failures. The investigation report was completed by Ms. Hallie Ann Smith of
- 15 Cranmer Engineering, the Water System's contract sampler and a certified
- 16 distribution operator. According to the investigation report, a possible cause of
- 17 the positive total coliform samples was described as an improperly screened
- 18 casing vent of Well 01. The investigation report recommends replacing the
- 19 existing casing vent with a properly screened vent, raised, and facing
- 20 downward.
- 21 • Five (5) investigative samples were collected on December 18, 2015, from the
- 22 distribution system; one (1) sample was collected from Tank No. 1; and one (1)
- 23 sample was collected from Well 01. All seven (7) samples tested positive for
- 24 total coliform bacteria.
- 25 • No further bacteriological sampling was conducted in December 2015.
- 26 • None of the bacteriological quality samples collected in December 2015, from
- 27 the distribution system or the system well, tested positive for *E.coli* bacteria.

- 1 • The Water System also failed the total coliform MCL for the month of January
2 2016, and due to multiple total coliform positive samples, is working with the
3 State Board to identify and eliminate the cause of contamination. To help
4 investigate the total coliform positive samples, Osiel Jaime, Sanitary Engineer
5 with the State Board, is scheduled to inspect the Water System in February
6 2016. The State Board plans to issue a separate citation for the January 2016
7 total coliform MCL violation after the planned field inspection of the Water
8 System.
- 9 • The State Board has also noted that the Water System is using the 20,000-
10 gallon Tank No. 2, which was thought to be not in use, and disconnected from
11 the domestic water supply system when the last sanitary survey of the Water
12 System was conducted in July 2013. The tank was not approved for domestic
13 use in the domestic water supply permit that the State Board issued on August
14 28, 2013. Due to elevation difference between Tank No. 1 and Tank No. 2 and
15 system hydraulics, it is likely that the water in the 20,000-gallon tank is
16 stagnant. The Water System shall inspect the tank, review operation of this
17 tank, and take actions to ensure that water from this tank is not causing
18 bacteriological contamination in the distribution system.
- 19 • Results of all bacteriological samples collected from January 2015 to
20 December 2015, are summarized in **Attachment A**.
- 21 • Due to total coliform MCL failures in November and December 2015, the State
22 Board recommends installation of continuous chlorination treatment at Well
23 01. If the Water System continues to have total coliform MCL failures, the
24 State Board will require installation of mandatory continuous chlorination
25 treatment. Before installing any treatment, the Water System must contact the
26 State Board to obtain the permit amendment application form and guidance
27 from the State Board.

AUTHORITIES

Section 116577 of the CHSC, states in relevant part:

"(a) Each public water system shall reimburse the State Board for the actual costs incurred by the State Board for any of the following enforcement activities related to that water system:

- (1) Preparing, issuing, and monitoring compliance with, an order or citation.
- (2) Preparing, and issuing public notification

...

(b) The State Board shall submit an invoice for these enforcement costs to the public water system that requires payment prior to September 1 of the fiscal year following the fiscal year in which the costs were incurred. The invoice shall indicate the total hours expended, the reasons for the expenditure, and the hourly cost rate of the State Board. The costs set forth in the invoice shall not exceed the total actual costs to the State Board of the enforcement activities specified in this section."

Section 116650 of the CHSC, states in relevant part:

"(a) If the State Board determines that a public water system is in violation of this chapter or any regulation, permit, standard, citation, or order issued or adopted thereunder, the State Board may issue a citation to the public water system. The citation shall be served upon the public water system personally or by certified mail. Service shall be deemed effective as of the date of personal service or the date of receipt of the certified mail. If a person to whom a citation is directed refuses to accept delivery of the certified mail, the date of service shall be deemed to be the date of mailing.

(b) Each citation shall be in writing and shall describe the nature of the violation or violations, including a reference to the statutory provision, standard, order, citation, permit, or regulation alleged to have been violated.

(c) A citation may specify a date for elimination or correction of the condition constituting the violation.

(d) A citation may include the assessment of a penalty as specified in subdivision (e).

(e) The department may assess a penalty in an amount not to exceed one thousand dollars (\$1,000) per day for each day that a violation occurred, and for each day that a violation continues to occur. A separate penalty may be assessed for each violation."

Section 116655 of the CHSC, states in relevant part:

"(a) Whenever the State Board determines that any person has violated or is violating this chapter, or any permit, regulation, or standard issued or adopted pursuant to this chapter, the director may issue an order doing any of the following:

- (1) Directing compliance forthwith.
- (2) Directing compliance in accordance with a time schedule set by the State Board.
- (3) Directing that appropriate preventive action be taken in the case of a threatened violation.

(b) An order issued pursuant to this section may include, but shall not be limited to, any or all of the following requirements:

- (1) That the existing plant, works, or system be repaired, altered, or added to.
- (2) That purification or treatment works be installed.
- (3) That the source of the water supply be changed.
- (4) That no additional service connection be made to the system.
- (5) That the water supply, the plant, or the system be monitored.
- (6) That a report on the condition and operation of the plant, works, system, or water supply be submitted to the State Board."

California Code of Regulations (hereinafter, CCR), Title 22, Section 64423, Table 64423-A establishes the minimum routine sampling requirements, and states in relevant part:

<i>Monthly Population Served</i>	<i>Service Connections</i>	<i>Minimum Number of Samples</i>
25 to 1000	15 to 400	1 per month
1,001 to 2,500	401 to 890	2 per month

<i>Monthly Population Served</i>	<i>Service Connections</i>	<i>Minimum Number of Samples</i>
2,501 to 3,300	891 to 1,180	3 per month
3,301 to 4,100	1,181 to 1,460	4 per month
4,101 to 4,900	1,461 to 1,750	5 per month
4,901 to 5,800	1,751 to 2,100	6 per month
5,801 to 6,700	2,101 to 2,400	7 per month
6,701 to 7,600	2,401 to 2,700	2 per week
7,601 to 12,900	2,701 to 4,600	3 per week
12,901 to 17,200	4,601 to 6,100	4 per week
17,201 to 21,500	6,101 to 7,700	5 per week
21,501 to 25,000	7,701 to 8,900	6 per week
25,001 to 33,000	8,901 to 11,800	8 per week
33,001 to 41,000	11,801 to 14,600	10 per week
41,001 to 50,000	14,601 to 17,900	12 per week
50,001 to 59,000	17,901 to 21,100	15 per week

CCR, Title 22, Section 64424 establishes the repeat sampling requirements, and states in relevant part:

"(a) If a routine sample is total coliform-positive, the water supplier shall collect a repeat sample set as described in paragraph (a)(1) within 24 hours of being notified of the positive result. The repeat samples shall all be collected within the same 24 hour time period. A single service connection system may request that the State Board allow the collection of the repeat sample set over a four-day period.

(1) For a water supplier that normally collects more than one routine sample a month, a repeat sample set shall be at least three samples for each total coliform-positive sample. For a water supplier that normally collects one or fewer samples per month, a repeat sample set shall be at least four samples for each total coliform-positive sample.

(2) If the water supplier is unable to collect the samples within the 24-hour time period specified in subsection (a) or deliver the samples to the laboratory within the 24 hours after collection because of circumstances beyond its control, the water supplier shall notify the State Board within 24 hours. The State Board will then determine how much time the supplier will have to collect the repeat samples.

(b) When collecting the repeat sample set, the water supplier shall collect at least one repeat sample from the sampling tap where the original total coliform-positive sample was taken. Other repeat samples shall be collected within five service connections upstream or downstream unless there is no upstream and/or downstream service connection.

(c) If one or more samples in the repeat sample set is total-coliform positive, the water supplier shall collect and have analyzed an additional set of repeat samples as specified in subsections (a) and (b). The supplier shall repeat this process until either no coliforms are detected in one complete repeat sample set or the supplier determines that the MCL for total coliforms specified in 64426.1 has been exceeded and notifies the State Board."

CCR, Title 22, Section 64426.1 establishes the total coliform maximum contaminant level and states in relevant part:

"(a) Results of all samples collected in a calendar month pursuant to Sections 64423, 64424, and 64425 that are not invalidated by the State Board or the laboratory shall be included in determining compliance with the total coliform MCL. Special purpose samples such as those listed in 64421(b) and samples collected by the water supplier during special investigations shall not be used to determine compliance with the total coliform MCL.

(b) A public water system is in violation of the total coliform MCL when any of the following occurs:

- (1) For a public water system which collects at least 40 samples per month, more than 5.0 percent of the samples collected during any month are total coliform-positive; or
- (2) For a public water system with collects fewer than 40 samples per month, more than one sample collected during any month is total coliform-positive; or
- (3) Any repeat sample is fecal coliform-positive or E. coli-positive; or
- (4) Any repeat sample following a fecal coliform-positive or E. coli-positive routine sample is total coliform-positive.

DETERMINATIONS

Based upon the above Statement of Facts and Authorities, the State Board determines that the USFS – French Gulch Water System has violated the following:

1. CCR, Title 22, Section 64426.1(b)(2); Specifically, the Water System violated the total coliform MCL for the months of November and December 2015, when more than one sample during the two above-mentioned months, tested positive for total coliform bacteria.
2. CCR, Title 22, Section 64424(a); Specifically, the Water System failed to collect the repeat samples within 24 hours of receipt of notification of the routine total coliform positive sample collected on November 5, 2015. Repeat samples were not collected until November 10, 2015

The above violations are classified as non-continuing violations.

DIRECTIVES

USFS – French Gulch Water System is hereby directed to take the following actions:

1. Cease and desist from failing to comply with Section 116555(a) of the California Health and Safety Code (CHSC) and Sections 64424(a) and 64426(b)(2), of Title 22, California Code of Regulations.
2. In the future, the Water System shall collect the repeat samples within 24 hours of receipt of notification of a routine total coliform positive sample.
3. By **February 29, 2016**, The Water System shall inspect Tank No. 2 (20,000-gallons), review its operation and submit a written response to the State Board, about the condition of the tank and information about bacteriological quality of

1 the water in this tank. The Water System shall also install a sample tap on the
2 tank outlet line.

- 3 4. The Water System shall contact the State Board and obtain approval before
4 installing any chlorination treatment.
- 5 5. Any document requested by the citation shall be submitted to the following
6 address and/or fax number:

7
8 Jaswinder S. Dhaliwal, P.E., Senior Sanitary Engineer
9 State Water Resources Control Board
10 4925 Commerce Drive, Suite 120
11 Bakersfield, CA 93309
12 Fax: (661) 335-7316

- 13 6. The Water System shall reimburse the State Board, in accordance with an
14 invoice that shall be provided to the Water System, the costs for enforcement
15 activities, and such reimbursement shall be made prior to September 1 (or by a
16 different date if specified by the State Board) of the fiscal year following the
17 fiscal year in which such costs are incurred as described in CHSC Sections
18 116577(a)(1-2) and 116577(b).

19 **FURTHER ENFORCEMENT ACTIONS**

20 Section 116270, Chapter 4, Part 12, Division 104 of the CHSC authorizes the State
21 Board to: issue additional citations with assessment of penalties if a public water
22 system continues to fail or correct a violation identified in a citation; take action to
23 suspend or revoke a permit that has been issued to a public water system if the system
24 has violated applicable law or regulations or has failed to comply with orders of the
25 State Board; and petition the superior court to take various enforcement measures
26 against a public water system that has failed to comply with orders of the State Board.
27 The State Board does not waive any further enforcement action by issuance of this
citation.

PARTIES BOUND

This citation shall apply to and be binding upon USFS – French Gulch Water System, its officers, directors, agents, employees, contractors, successors, and assignees.


SEVERABILITY

The directives of this citation are severable, and USFS – French Gulch Water System shall comply with each and every provision thereof, notwithstanding the effectiveness of any other provision.

CIVIL PENALTIES

Section 116650, subsections (d) and (e) of the CHSC allow for the assessment of a civil penalty for failure to comply with the requirements of the Safe Drinking Water Act. Failure to comply with any provision of this Citation may result in the State Board imposing an administrative penalty in an amount not to exceed \$1000 (one thousand dollars) per day as of the date of violation of any provision of this Citation.

Feb. 11, 2016
Date


Jaswinder S. Dhaliwal, P.E.
Senior Sanitary Engineer
Drinking Water Field Operations Branch

Certified Mail No. 7015 0640 0006 0208 6641

ATTACHMENT

Attachment A: Summary of Bacteriological Samples Collected from January 2015 – December 2015

CC: Kern County Environmental Health Services Department (w/o attachment)
Cranmer Engineering, Inc., Contract Sampler (via email)

JSD/dc

Attachment A

USFS French Gulch Campground Water System

1502686

Distribution System Freq: 1/Q

Sample Date	Time	Location	T Coli	E Coli	F Coli	Type	Cl2	Violation	Comment
1/7/2015	12:55	1ROU	A	A		Routine			
2/4/2015	12:52	1ROU	A	A		Routine			
3/4/2015	12:37	1ROU	A	A		Routine			
5/5/2015		1ROU	A	A		Routine			
8/13/2015	10:38	1ROU	A	A		Routine			
9/16/2015	15:31	3ROU	A	A		Routine			
10/8/2015	12:20	Hose Bib Near Gr	A	A		Routine			
11/5/2015	9:35	Rou 1 - Hose Bib	3.1	A		Routine		MCL	Citation #03-19-16C-009 issued
11/10/2015	12:40	3 Rep 1 R5	A	A		Repeat			
11/10/2015	12:45	1 Rep2 2Rep1	A	A		Repeat			
11/10/2015	12:55	5 Rep 1 RR	A	A		Repeat			
11/13/2015	11:46	5Rep 1 RR	A	A		Repeat			
11/13/2015	11:52	2 REP 1 Hose Bib	A	A		Repeat			
11/13/2015	12:54	3 Rep 2 Hose Bibb	A	A		Repeat			
12/3/2015	10:20	R-1 Hosebib Near	23.8	A		Routine			
12/3/2015	10:30	R2	17.8	A		Routine			
12/3/2015	10:35	R3	13.7	A		Routine			
12/3/2015	10:40	R4	2.0	A		Routine		MCL	Citation # 03-19-16C-009 issued
12/3/2015	10:45	R5	6.4	A		Routine			
12/18/2015	8:40	Storage Tank	22.2	A		Repeat			
12/18/2015	8:55	4 Rep 1	1.0	A		Repeat			
12/18/2015	9:05	2 Rep 1 Hosebib	1.0	A		Repeat			
12/18/2015	9:10	3 Rep 1 R5	1.0	A		Repeat			
12/18/2015	9:15	3 Rep 2 Hosebib	1.0	A		Repeat			
12/18/2015	9:25	4 Rep 2	1.0	A		Repeat			

USFS French Gulch Campground Water System

1502686

Source Monitoring Freq:

<i>Sample Date</i>	<i>Time</i>	<i>Source</i>	<i>T Coli</i>	<i>E Coli</i>	<i>F Coli</i>	<i>Violation</i>	<i>Comment</i>
11/10/2015	20:32	Well	1.0	A			GWR and TCR Repea
11/13/2015	12:50	Well	A	A			
12/18/2015	8:30	Well	5.3	A			
